

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ANDREA M. WIKE,

Plaintiff,

vs.

DOUGLAS COUNTY, DIANE BATTIATO,
official and individual capacity; LILIANA E.
SHANNON, official and individual capacity;
and ALAN E. SOUTH, official and individual
capacity,

Defendants.

8:22CV355

ORDER

This matter comes before the Court on Plaintiff's "objection and motion to reinstate" this closed case. [Filing No. 70](#). The Court previously granted Defendants' motions to dismiss. [Filing No. 57](#).

Plaintiff contends she is entitled to relief under [Federal Rule of Civil Procedure 60\(b\)\(6\)](#) which permits the Court to excuse a party from a final judgment for "any other reason that justifies relief." [Filing No. 70 at 1](#). Wike argues the Court erred in considering extra-record evidence when ruling on Defendants' motions under [Federal Rule of Civil Procedure 12\(b\)\(6\)](#). [Filing No. 70 at 2](#). As the Court explained in its order granting the motions to dismiss, the deed of trust and other documents were "necessarily embraced" by the complaint and thus an exception to the rule prohibiting consideration of matters outside the pleadings on a motion to dismiss. [Filing No. 57 at 7](#) n.2 (citing *Enervations, Inc. v. Minn. Mining & Mfg. Co.*, 380 F.3d 1066, 1069 (8th Cir. 2004)). This determination was not in error and is therefore not a reason to grant Wike's motion to reconsider.

Wike's other arguments mirror those already fully addressed at length in this case and her other filings (see 8:22cv297; 8:23cv397), including her unfounded beliefs that the defendants' attorneys and the magistrate judge were without authority to act in this case and the Court was required to making findings of fact and conclusions of law in her favor. Her arguments are without merit, and there is no basis for relief from judgment.

IT IS ORDERED:

1. Plaintiff's objection and motion to reinstate, [Filing No. 70](#), is denied. This case remains closed.
2. Wike is cautioned not to file any new claims or cases relating to the facts underlying this case. Any such filings are subject to potential summary dismissal prior to any response from the defendants on the grounds of res judicata and/or failure to state a claim.

Dated this 27th day of March, 2024.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge